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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/731,020	MOURAD, MAGDA
	Examiner	Art Unit	
	ELENI A. SHIFERAW	2436	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 February 2010_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4-21,23-28 and 30-39_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _17-21,23-28 and 30-39_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)　　　　　　　　　**Office Action Summary**　　　　　　　　Part of Paper No./Mail Date 20100501

DETAILED ACTION

1.   This is in response to the amendment filed 02/12/2010. Claims 1, 4-21, 23-28, and 30-39

are pending. The applicant complies with the examiner's objection on the Non-Final Office

action mailed on 11/10/2009 "Office Action Summary" status 7. The applicant's amendment to

claim 1 complies with the examiner's objection. Dependent claim 3 has not been rejected in the

previous Office action mailed.

Response to Amendments and Arguments

2.   Applicant's arguments and amendments have been fully considered but are not

persuasive.

3.   The 101 rejection to claims 32-38 are withdrawn in view of applicant's amendment.

4.   Regarding argument "Applicant notes that claim 3 was not rejected by any prior art

references. Moreover, Applicant notes that claim 3 is indicated as objected to in the Office action

summary. ... Accordingly, Applicant respectfully submits that claim 1 should be in condition for

allowance.," the examiner confirms that dependent claim 3 has not been rejected in the previous

office action and objected in the summary section as well and the applicant complies with the

examiner's objection requirement and arguments on the remark page 14-24 par. 1 are moot.

        Regarding argument "Spagna in view of Bjornestad does not teach or suggest 'making

the one or more SCOs available for searching and downloading at a client, wherein access to the

one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more

assets individually controllable.," remark pages 24-26, argument is not persuasive because

Bjornestad discloses a method for providing a user with access to an information site hosting

information with controlled access, i.e., e-Learning content provider by logging the user on to the

learning management system and providing authenticated access. Sharable learning

content/course is also described on; see par. 20-21, of Bjornestad as Sharable Content Object

Reference Model [SCORM]. The courses and/or learning contents and/or resources are searched

by the student on par. 55 of Bjornestad.

        Regarding argument neither Dorty or Spagna teach wherein the DRM content packager

communicates with the portal server for uploading the at least one SCO and communicates with

a content manager loader for storing the at least one SCO in a learning objects repository and

wherein the DRM content packager uploads a package and parses the package to extract

structure and titles of the package, the package containing the at least one SCO and promotional

material, as recited on claims 27 and 39, remark pages 27-29, argument is not persuasive because

col. 12 lines 45-65 discloses that a metadata assimilation and Entry Tool that is used to extract

metadata from the Content Provider's database in a prescribed format, e.g., a music example the

content information such as CD title, artist name, song title, CD artwork, and ...; and to package

it for electronic distribution. The metadata assimilation and Entry Tool is used to enter the usage

conditions for the content including copy restriction rules, the wholesale price any business rules

deemed necessary. The encrypted content, digital content related data or metadata and encrypted

keys are packed in SCs by the SC packer tool and stored in a content housing site and/or

promotional web site for electronic distribution (see col. 13 lines 1-65).

Regarding argument Doty and Spagna failure to teach "providing error messages to

enable correction, as recited on claim 32, remark page 29-30, argument is not persuasive

because Doty teaches network based educational system and the system is AICC and SCORM

compliant (see par. 36). Doty is in fact teaches providing error messages to enable correction

(see par. 102) that displays "INCORRECT. TRY AGAIN" ….

Regarding argument Doty is silent with respect to "metadata" and "metadata files" and

fails to teach "means for generating digital rights files and associating the digital rights files

with the digital content by embedding links into a metadata right field within corresponding

metadata files, as recited in claim 33 remark page 31-32, argument is not persuasive because

Doty discloses generating hierarchical PERMISSIONS file sharing and content management,

authentication, DRM, polling allowing the admin to add or edit or modify polls and using URL

(see par. 169). Certain hierarchical definition include … URL (par. 125).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> a.   A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 17-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over <u>Spagna et al</u> (US 6,587,837) in further view of <u>Bjornestad et al</u> (US 2003/0084345).

Claim 17: <u>Spagna et al</u> discloses a method for creating learning objects, comprising:

      i.   Creating a package containing one or more shareable content objects (Si.COs) *(column12, lines 22-60)*;

      ii.   Updating an on-line electronic store (e-Store) with the one or more SCOs *(column 13, lines 13-55)*;

      iii.   Logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role) *(column 12, lines30-45)*;

      i.   Assigning digital rights management (DRM) to the one or more SCOs *(column 12, lines 53-67)*

      ii.   Wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable *(column 15, lines 40-50)*.

But does not explicitly disclose making the one or more SCOs available for searching and downloading at a client. However, <u>Bjornestad et al</u> discloses a managed access to information over data network, which further discloses a step of making the one or more SCOs available for searching and downloading at a client *(paragraph [0055])*. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of <u>Bjornestad</u> ~~Doty~~ such as to make the content searchable. One would have been motivated to do so in order to provide a user with access to an information site hosting information with controlled access as taught by <u>Bjornestad et al</u> *(paragraph [0009])*.

Claim 18: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> discloses wherein in the creating a package step the package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package *(column 12, lines 34-55; column 13, lines 23-30).*

Claim 19: <u>Spagna et al</u> and <u>Spagna et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> discloses that the method further comprising the step of invoking a DRM packager to upload the package in compressed format and place in a digital container*(column 21, lines 30-35);*

Claim 20: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> discloses that the method further comprising the step of storing the package in a learning objects repository for later retrieval by an on-line learning management system when the one or more SCOs is at least one of searched and accessed *(column 21, lines 10-25);*

Claim 21: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> further discloses wherein:

     i.   The assigning DRM to the one or more SCOs include assigning a price to each of the one or more SCOs and at least one of the one or more assets *(column 12, lines 45-60); and*

     ii.   The assigning the DRM step causes limitation of access to the one or more SCOs by user identity, price, or type of asset *(column 12, lines 45-60]).*

Claim 23: Spagna et al and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and) and Spagna et al further discloses whether the one or more SCOs are to be delivered via on-line or off-line mode (*column 9, line 65 to column 10, line 5* Logging onto an electronic store (e- store) to access the one or more SCOs (*column 13, lines 15-45); and* whether the package is a course or SCO, a license server address, content manager address, and whether the promotional contents are packaged into a secure container (*column 18, lines 30-55);*

    i.   Logging onto an electronic store (e- store) to access the one or more SCOs (*column 12, lines 25-40);*and

    ii.   generating promotional material and supplying parameters indicating at least one of: a package ID whether each of the SCOs is encrypted (column 13, lines30-45)

Claim 24: Spagna et al and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Spagna et al discloses a step of assigning symmetric keys to each one or more SCOs and encrypting each one or more SCOs with the symmetric keys(column 18, lines 1-25)

Claim 25 Spagna et al and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Spagna et al discloses:

    i.   Extracting information including thumbnail promotional material from a content aggregation (CA) file (*column12, lines35-65);*

    ii.   ingesting the one or more SCOs and CA file into a catalog using the information (*column 52, lines1-10]); and* storing the thumbnail promotional material into the catalog and associating the promotional material with the one or

more SCOs (*column 52, lines 1-10* Bjornestad et al further discloses wherein the

thumbnail promotional material and one or more SCOs are searchable

(*paragraphs [0054]-[0056]*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of Bjorn ~~Doty~~ such as to make the content

searchable. One would have been motivated to do so in order to provide a user with

access to an information site hosting information with controlled access as taught by

Bjornestad et al (*paragraph [0009]*).

Claim 26: Spagna et al and Bjornestad et al disclose a method for creating learning

objects as in claim 17 above, and Spagna et al discloses wherein the one or more assets

are at least one of a video asset, a text asset, a music asset, and a learning asset (*column

11, lines45-60)*

7.   **Claims 27, 28 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Doty, Jr (US 2002/0152904) (2003/0152904) in view Spagna et al (US 6,587,837).

Claim 27: Doty discloses a system for providing learning objects, comprising:

          i.   A portal server to permit authoring of at least one shareable content object

          (SCO) having one or more assets (*paragraphs [0036], [0154], [0156]*);

          ii.   A content manager, which stores or retrieves the at least one SCO and the

          one or more assets (*paragraph [0181]*):

      i.   A digital rights management (DRM) content packager accessible via the

      portal server which assigns digital rights to the at least one shareable content

      object (SCO) *(paragraphs [0169], [0171])*;

      ii.   A DRM license server which assigns license criteria to the at least one

      SCO and the one or more assets *(paragraphs [0129], [0167])*.

Doty does not explicitly disclose wherein the DRM content packager communicates with

the portal server for uploading the at least one SCO and communicates with a content

manager loader for storing the at least one SCO in a learning objects repository and

wherein the DRM content packager uploads a package and parses the package to extract

structure and titles of the package the package containing the at least one SCO and

promotional material. However, However, Spagna et al discloses a system for delivering

electronic content from online store, which further discloses wherein the DRM content

packager communicates with the portal server for uploading the at least one SCO and

communicates with a content manager loader for storing the at least one SCO in a

learning objects repository and wherein the DRM content packager uploads a package

and parses the package to extract structure and titles of the package the package

containing the at least one SCO and promotional material(column 13, lines 45-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of Doty such as to extract structure and

title of the package. One would have been motivated to do so in order to expose artists'

works to a broad audience widely distributed throughout a broad geographic area as

taught by Spagna et al.

Claim 28: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, and ,<u>Doty</u> further discloses wherein the portal server provides a common

interface personalized to a user's profile and role(*paragraphs [0072], [0081]*), and the

portal server facilitates at least one of:

      i.   Accessing a web base authoring application for creating the at least one

      SCO, and downloading of a client authoring application for creating the at least

      one SCO (*paragraphs [0092]-[0094]*).

Claim 30: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, and <u>Doty</u> further discloses wherein the one or more assets is at least one

of a video asset, a text asset, a music asset, and a learning asset(paragraphs [0098],

[0099]).

Claim 31: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, <u>Doty</u> further discloses wherein the at least one SCO is packaged into a

digital container, and wherein the each of the at least one SCO and each of the one or

more assets is associated with a price controlled by DRM (*paragraphs [0164]-[0165]*).

Claim 32: <u>Doty</u> discloses a digital rights protection system, comprising:

      i.   an automatic validation component adapted to ensure conformance of the

      unprotected digital content to Shareable Content Object Reference Model

      (SCORM) standards and providing error messages to enable

      correction(paragraphs [0036], [0154], [0156]) and

      ii.   a digital rights generation layer having one or more components adapted

to provide a web-based interface for specifying different rights to the one or more

parts for providing protected digital content(paragraphs [0090], [0169], [0171])

But does not explicitly discloses a secure uploading service capable of receiving

unprotected digital content having one or more parts, associated metadata, and one or

more promotional materials. However, Spagna et al discloses a system for delivering

electronic content from online store , which further discloses a secure uploading service

capable of receiving unprotected digital content having one or more parts, associated

metadata, and one or more promotional materials (*column 13, lines 1-40*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of <u>Doty</u> such as to receive unprotected

digital content. One would have been motivated to do so in order to expose artists' works

to a broad audience widely distributed throughout a broad geographic area as taught by

<u>Spagna et al</u>.

Claim 33: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32

above, and <u>Doty</u> further discloses that the system further comprising a means for

generating digital rights files and associating the digital rights files with the digital

content by embedding links into a metadata right field within corresponding metadata

files(*paragraph [0169]*).

Claim 34: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 33

above, and <u>Spagna et al</u> further discloses that the system further comprising further

comprising a transparent web service for automatically encrypting the protected digital

content and the rights files, wherein the digital rights generation layer provides content

protection services (*column 12, lines 45-65*).

Claim 35 <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32

above, and <u>Spagna et al</u> further discloses that the system further comprising further

comprising:

> i.   A security manager component adapted to provide secure communications
>
> with client stations and an electronic store (*column 17, lines 15 to column 18, line*
>
> *5);* and
>
> ii.   A content repository component which prevents any input/output
>
> operation that creates a rights violation when the protected digital content is
>
> stored (*column 12, lines 40-50).*

Claim 36: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32

above, and <u>Doty</u> further discloses that the system further comprising, further comprising

a means for providing catalog creation services that includes invoking web services with

a trusted electronic store to create a catalog entry of the protected digital content and any

associated promotional material.(*paragraphs [0104]*, [0110], [0200])

Claim 37: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32

above, and <u>Doty</u> further wherein all components of the rights generation layer has a

public-key certificate by a certificate authority indicating that all the components are

trusted (*paragraphs [0129], [0167]).*

Claim 38:Doty and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32

above, and <u>Doty</u> further discloses wherein the digital rights generation layer provides

updating and version control capabilities of the protected digital content and any associated metadata files (*paragraphs [0056], [0125]*).

Claim 39: <u>Doty</u> discloses a computer program product comprising a computer usable medium having readable program code embodied in the medium, the computer program product includes:

      i.   A first computer code to compose a shareable content object (SCO) representing one or more assets (*(paragraphs [0036], [0154], [0156]*);

      ii.   A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code)(*paragraph [0181]*);

      i.   A second computer code to assign a digital rights to the SCO to secure the one or more assets (*paragraph [0169]*);

      ii.   A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (*paragraph [0171]*).

<u>Doty</u> does not explicitly disclose wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package the package containing the at least one SCO and promotional material. However, However, <u>Spagna et al</u> discloses a system for delivering electronic content from online store, which further discloses wherein the DRM content

packager communicates with the portal server for uploading the at least one SCO and

communicates with a content manager loader for storing the at least one SCO in a

learning objects repository and wherein the DRM content packager uploads a package

and parses the package to extract structure and titles of the package the package

containing the at least one SCO and promotional material(column 13, lines 45-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of <u>Doty</u> such as to extract structure and

title of the package. One would have been motivated to do so in order to expose artists'

works to a broad audience widely distributed throughout a broad geographic area as

taught by <u>Spagna et al</u>.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Primary Examiner, Art Unit 2436